1SUPPORTING STATEMENT FOR
INFORMATION COLLECTIONS CONTAINED IN
RISK INFORMED, TECHNOLOGY-INCLUSIVE REGULATORY FRAMEWORK FOR
ADVANCED REACTORS
FINAL RULE

NRC FORMS 366, 366A, AND 366B, "LICENSEE EVENT REPORT"

(3150-0104)
REVISION

Description of the Information Collection

The U.S. Nuclear Regulatory Commission (NRC) is establishing an optional technology-inclusive regulatory framework for use by applicants for new commercial nuclear plant designs. The regulatory requirements developed in this rulemaking use methods of evaluation, including risk-informed and performance-based methods, that are flexible and practicable for application to a variety of new reactor technologies. The NRC's goals in amending these regulations are to continue to provide reasonable assurance of adequate protection of public health and safety and the common defense and security at reactor sites at which new nuclear reactor designs are deployed to at least the same degree of protection as required for current-generation light-water reactors; protect health and minimize danger to life or property to at least the same degree of protection as required for current-generation light-water reactors; provide greater operational flexibilities where supported by enhanced margins of safety that may be provided in new nuclear designs; and promote regulatory stability, predictability, and clarity.

The final rule covers a wide range of topics, including the following that result in recordkeeping and reporting requirements:

- Fitness for duty,
- Physical security,
- Cybersecurity,
- Access authorization.
- Plant design and analysis,
- Siting,
- Construction and manufacturing,
- Facility operations,
- Programs,
- Staffing,
- Decommissioning,
- Applications,
- Licensing basis information, and
- Quality assurance.

A holder of an operating license or a combined license (after the Commission has made the finding under 10 CFR 53.1452(g)) under 10 CFR Part 53 is required to submit a Licensee Event Report (LER) for any event of the type described in 10 CFR 53.1640, "Licensee event report system," within 60 days after the discovery of the event.

Current regulations in 10 CFR Part 50 require the holder of an operating license under Part 50 or a combined license under Part 52 (after the Commission has made the finding under 10 CFR 52.103(g)) for a nuclear power plant (licensee) to submit a Licensee Event Report (LER) for any event of the type described in 10 CFR 50.73, “Licensee event report system” within 60 days after the discovery of the event. NRC Forms 366, 366A, and 366B, “Licensee Event Report” are currently used to transmit detailed information to the NRC by a licensee to report specified events and problems that are believed to be significant for the NRC to determine what actions, if any, are warranted to ensure protection of public health and safety and the environment.

As a result of the Part 53 rulemaking, NRC Forms 366, 366A, and 366B are modified to include reportable events under 10 CFR Part 53. The list of reportable events under 10 CFR Part 73 is also modified to include new provisions added to 10 CFR Part 73 through the Part 53 rulemaking.

The information requested includes the facility identifying information, date of the event and report, other facilities involved, plant conditions at the onset of the events, applicable regulation(s) for the submission, root cause(s) of the occurrences, data on operator actions and corrective actions taken, licensee contact information and an abstract of the event.

This supporting statement describes how the final rule is impacting the information collections in NRC Forms 366, 366A, and 366B (3150-0104).

A. JUSTIFICATION

1. Need for the Collection of Information

The information is needed for the NRC to carry out its statutory responsibility to inform Congress of those events constituting “abnormal occurrences” and for licensee’s compliance with 10 CFR 53.1640. Section 208 of the Energy Reorganization Act of 1974, as amended (Public Law 93-438), defines an abnormal occurrence (AO) as “an unscheduled incident or event which the [NRC] determines is significant from the standpoint of public health or safety.” The NRC reviews all LERs reported under 10 CFR 53.1640 for consideration for AO reporting. Details of these LER requirements can be found at the end of this supporting statement in “Description of Information Collection Requirements.”

2. Agency Use of Information

NRC Forms 366, 366A, and 366B are the mechanism by which NRC determines whether action is needed to resolve a potential threat to public health and safety or the environment. This includes confirming licensing bases, studying potentially generic safety problems, assessing trends and patterns of operating experience, monitoring performance, identifying precursors of more significant events, and providing operating experience feedback to the industry. In addition, the NRC uses the information obtained to inform Congress of those events constituting "abnormal occurrences."

The reported events are assessed both individually and collectively to determine their safety significance and their generic implications and to identify any safety concerns with the potential to seriously impact the public health and/or safety. The evaluation of these events provides valuable insights on improving reactor safety.

The information required includes detailed event descriptions, plant conditions at the onset of the events, root cause(s) of the occurrences, an assessment of safety consequences and implications, data on operator actions and personnel errors, and the corrective actions taken by the licensee to prevent recurrences.

The assessment and feedback of operating experience is a vital and integral prerequisite to improving reactor safety. Within the NRC, a formal and systematic program has been established for the collection, assessment, and feedback of operating experience gained from the LERs. This program has proven effective and resulted in an improved understanding of reactor performance, identification of important safety issues, and initiation of appropriate actions such as the issuance of generic letters, bulletins, and information notices.

In addition, formal and informal methods have been developed to efficiently compare and self-assess the NRC's evaluation of operating experience with the industry's Institute of Nuclear Power Operations (INPO) by exchanging information on events in accordance with a Memorandum of Agreement between the two organizations. Furthermore, the NRC cooperates with various other nations, the Nuclear Energy Agency (NEA), and the International Atomic Energy Agency (IAEA) Incident Reporting System (IRS) by exchanging information about operating events. The worldwide sharing of nuclear operating experience provides value, particularly in the interest of incorporation of lessons learned, event reduction and accident prevention.

Elimination of data collection would seriously degrade the NRC's ability to assess operating experience, feedback the lessons learned in a timely manner, including corrective actions to prevent recurrences and monitor industry performance. Additionally, LER's are available to the public and provide more detailed information concerning relatively significant events, thereby increasing public confidence in the regulatory process.

3. Reduction of Burden Through Information Technology

The NRC has issued *Guidance for Electronic Submissions to the NRC*, which provides direction for the electronic transmission and submittal of documents to the NRC. Electronic transmission and submittal of documents can be accomplished via the following avenues: the Electronic Submittals application, which is available from the NRC's "Electronic Submittals" Web page; by Optical Storage Media (OSM) (e.g., CD-ROM, DVD); by facsimile; or by e-mail. The Electronic Submittals application allows electronic transmission of information to the NRC pertaining to licensing actions, associated hearings, and other regulatory matters. The application ensures that information sent to the NRC via the Internet is secure and unaltered during transmission. It operates 24 hours a day, except when it is taken down for scheduled maintenance. The application serves as a secure portal that respondents may use to transmit documents to the NRC. It is estimated that approximately 99**%** of the potential responses are filed electronically.

4. Efforts to Identify Duplication and Use Similar Information

No sources of similar information are available. There is no duplication of requirements. Licensees' corrective action program (CAP) documents are not made available to the public by the licensees. The vast majority of LERs are made publicly available (with the exception of security-related or proprietary information that is excludable). These licensee CAP documents often form the basis for the information that are used for filling out the LER form, but they are not duplicative since they are not publicly available.

5. Effort to Reduce Small Business Burden

The NRC is currently not aware of any known small entities as defined in 10 CFR 2.810 that are planning to apply for a commercial nuclear plant early site permit, construction permit, operating license, manufacturing license, or combined license under Part 53 that would be impacted by this final rule.

6. Consequences to Federal Program or Policy Activities if the Collection is Not Conducted or is Conducted Less Frequently

Not collecting the information, or collecting it less frequently, would degrade the NRC's ability to determine in a timely manner what actions, if any, may be needed to resolve potential threats to public health and safety or the environment and also inform Congress of those events constituting "abnormal occurrences." These documents inform the NRC for various program and operating experience reviews. The frequency of collection is dictated strictly by event occurrence at a nuclear unit or site. Some licensee's performance is sufficient so that there are no LERs required to be reported in year. Once a reportable event occurs, the 10 CFR 53.1640 regulations require it to be reported within 60 days.

7. Circumstances Which Justify Variation from OMB Guidelines

Not applicable.

8. Consultations Outside the NRC.

The NRC published a proposed rule in the *Federal Register* for public comment on October 31, 2024 (89 FR 86918), as well as draft OMB Supporting Statements for Forms 366, 366A, and 366B. The NRC did not revise the forms in response to public comments. The NRC prepared a summary and analysis of public comments received on the proposed rule, which totals two volumes (ML26042A229, ML26042A228). The public comment submissions are available from the Federal e-Rulemaking website at https://www.regulations.gov under Docket ID NRC-2019-0062.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of Information

Confidential and proprietary information is protected in accordance with NRC regulations at 10 CFR 9.17(a) and 10 CFR 2.390(b). However, no information normally considered confidential or proprietary is requested.

11. Justification for Sensitive Questions

No sensitive information is requested.

12. Estimated Burden and Burden Hour Cost

As a result of the final rule, the list of potential respondents to NRC Form 366 has been expanded to include Part 53 licensees. The estimated time to complete the form is similar for Part 53 licensees as for Part 50 and 52 licensees. However, during the clearance period, the NRC does not anticipate there being Part 53 operating facilities, so no Part 53 facilities are submitting LERs, so the number of respondents for the clearance period remains unchanged. As a result, the number of NRC Form 366, 366A, and 366B submissions and total burden associated with the forms remain unchanged for this clearance period.

13. Estimate of Other Additional costs

The estimated additional costs for this form remain unchanged at $464 as a result of the final rule.

14. Estimated Annualized Cost to the Federal Government

The estimated annualized cost to the Federal Government for this form remains unchanged at $1,667,000 as a result of the final rule.

15. Reasons for Change in Burden or Cost

As a result of the final rule, NRC Form 366 has been updated to include reportable events under Part 53; however, for this clearance period, there is no change in burden or costs because there are no Part 53 facilities expected to be in operation during the clearance period. However, once there are facilities licensed and operating under Part 53 there will be an increase in total burden and cost due to an increase in the number of respondents.

16. Publication for Statistical Use

Not applicable.

17. Reason for Not Displaying the Expiration Date

The expiration date is displayed.

18. Exceptions to the Certification Statement

There are no exceptions.

B. Collections of Information Employing Statistical Methods

The collection of information does not employ statistical methods.

DESCRIPTION OF INFORMATION COLLECTION REQUIREMENTS
CONTAINED IN

NRC FORMS 366, 366A, and 366B, "LICENSEE EVENT REPORT"
10 CFR 53.1640

Similar to 10 CFR 50.73, 10 CFR 53.1640 allows licensees to use NRC Form 366, “Licensee Event Report” to report specified events and problems that are believed to be significant and useful to the NRC in its effort to identify and resolve threats to public safety. Form 366A, “Licensee Event Report, Continuation” provides a continuation page for licensees to provide a narrative of the event. Form 366B, “Licensee Event Report, Failure Continuation” is a continuation page used to document the specific component failures involved in the event. The forms are designed to provide the information necessary for engineering studies of operational anomalies and trends and patterns analysis of operational occurrences. The same information can be used for other analytic procedures that will aid in identifying accident precursors.

The requirements in 10 CFR Part 53, specifically 10 CFR 53.1640, are equivalent to those in 10 CFR 50.73, with updates to make them technology inclusive. NRC Forms 366, 366A, and 366B currently reflect requirements contained in 10 CFR 50.73, and are being modified to reflect requirements contained in 10 CFR 53.1640.